

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC	§	Civil Action No. 6:12-CV-499 MHS
<i>Plaintiff,</i>	§	
	§	LEAD CASE
v.	§	
	§	
TEXAS INSTRUMENTS, INC.	§	
<i>Defendant.</i>	§	

BLUE SPIKE, LLC,	§	Civil Action No. 6:12-CV-568-LED
<i>Plaintiff,</i>	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	
ZEITERA, LLC, ENSEQUENCE, INC.,	§	
AND RELATED CONTENT	§	
DATABASE, INC. d/b/a WATCHWITH,	§	
<i>Defendant.</i>	§	

**DEFENDANT WATCHWITH INC.'S REPLY IN SUPPORT OF ITS
JOINDER IN ZEITERA, LLC'S MOTION TO TRANSFER VENUE TO THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

Blue Spike opposes Defendant Related Content Database, Inc. d/b/a/ Watchwith, Inc.’s (“Watchwith”) Joinder in Zeitera, LLC’s Transfer motion for three equally-unavailing reasons. First, Blue Spike argues that Watchwith has not established jurisdiction in the Northern District of California. However, Watchwith submitted a declaration with its moving papers that confirms Watchwith is headquartered within the Northern District of California in San Francisco, California. *See Declaration Of Zane Vella In Support Of Watchwith Inc.’s Joinder to Defendant Zeitera, LLC’s Motion to Transfer Venue To The United States District Court For The Northern District Of California Under 28 U.S.C. § 1404(a) (Dkt. 1156-1 at ¶2).* Therefore this action could have been brought against Watchwith in the Northern District of California.

Blue Spike next asserts that Watchwith cannot “piggyback” on Zeitera’s Motion to Transfer. It is undisputed that Blue Spike’s allegations of infringement against Watchwith are based on Watchwith’s alleged use of Zeitera, LLC’s (“Zeitera”) content recognition systems. (Dkt. 1156-1 at ¶4). Blue Spike’s opposition even “adopts by reference the arguments it made in opposition to Zeitera’s transfer motion.” (Dkt. 1301 at 2, n.2). Because Blue Spike’s allegations against Zeitera and Watchwith – based on Watchwith’s status as an alleged customer of Zeitera – are so intertwined, Watchwith’s joinder in Zeitera’s motion to transfer is entirely appropriate. Transfer should be decided on the same grounds advanced by Zeitera.

Finally, Blue Spike argues that Watchwith’s joinder is meaningless because post-filing consent to jurisdiction is irrelevant. Blue Spike’s argument is nonsensical. Watchwith, a ***San Francisco-headquartered company*** (see Dkt. 1156-1 at ¶2) and a customer of Zeitera, is requesting a transfer to the Northern District of California for all of the same reasons articulated in Zeitera’s motion to transfer. (Dkt. 1155). As explained there, this action could have been brought in the Northern District of California against Zeitera and all of its customers – including

Watchwith – and it is undisputed that the bulk of evidence and witnesses are located there.

Blue Spike does not address the substance of Watchwith's request for a transfer. For all of the reasons articulated in Zeitera's motion to transfer, supported by the additional information provided by Watchwith in its opening joinder, Watchwith requests that the Court order Blue Spike LLC's claims against Watchwith be transferred to the Northern District of California.

Dated: March 10, 2014

By:

/s/ Eric H. Findlay

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WATCHWITH

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically on opposing counsel pursuant to Local Rule CV-5(a)(7)(C) on March 10, 2014.

/s/ Eric H. Findlay
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